

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GARCIA, et al.)
)
Plaintiffs,)
) Case No. 12-CV-03687
v.)
) Judge Joan B. Gottschall
J.C. PENNEY CORPORATION, INC.,)
)
Defendant.)

**STIPULATION FOR MODIFICATION OF SETTLEMENT AGREEMENT TO
ENLARGE THE RESPONSE DEADLINE AND ENTRY OF ORDER APPROVING
SUCH MODIFICATION *NUNC PRO TUNC***

RECITALS

A. Section 10.25 of the Settlement Agreement provides, in pertinent part:

Modifications. This Settlement Agreement may not be changed, altered, or modified, except in writing and signed by the Parties and approved by the Court;

B. Section 2.28 of the Settlement Agreement provides:

Response Deadline means and refers to the deadline by which Settlement Class Members must postmark or email Requests for Exclusion to the Settlement Administrator or file Notices of Objection with the Court. The Response Deadline will be thirty (30) calendar days after the initial mailing date of the Notice Packet by the Settlement Administrator, unless the 30th day falls on a Sunday or Federal holiday, in which case the Response Deadline will be extended to the next day on which the U.S. Postal Service maintains operations. Compliance with

the Response Deadline will be determined by the date of the postmark on the Request for Exclusion. To be timely and effective, a Settlement Class Member must submit a Request for Exclusion or a written objection to the Settlement Agreement before the Response Deadline;

C. Section 6.2 of the Settlement Agreement provides:

Returned Mail. Any Notice Packet returned to the Administrator as non-deliverable shall be sent to the forwarding address, if any, provided with the returned Notice Packet. If there is no forwarding address provided, the Settlement Administrator shall utilize commercially reasonable means to obtain a current address and, if a current address is located, promptly re-mail the Notice Packet. If the procedures in this paragraph are followed, and the Notice Packet is still returned to the Settlement Administrator as undeliverable, the Settlement Administrator shall be deemed to have satisfied its obligation to provide the Class Notice to the Settlement Class Member, and the intended recipient shall nevertheless remain a Class Member and will be bound by all the terms of the Settlement Agreement and Final Approval Order;

D. To ensure that Settlement Class Members whose mail is forwarded have a reasonable time to determine if they wish to opt out, object, or do nothing and remain a Settlement Class Member, and in response to the Court's comments at the Preliminary Approval hearing, the Parties have agreed to enlarge the Response Deadline from thirty (30) to sixty (60) days;

E. After reviewing the Implementation Schedule the Parties have determined that the enlargement of the Response Deadline can be implemented without any material effect on the administration of this case as previously ordered by the Court.

AGREEMENT

1. The Response Deadline in Section 2.28 of the Settlement Agreement shall be enlarged from thirty (30) calendar days to sixty (60) calendar days after the initial mailing date of the Notice Packet by the Settlement Administrator;

2. Any other date that is dependent on the Response Deadline shall be enlarged by a commensurate period;

3. The previously approved Class Notice shall be changed to reflect the enlarged Response Deadline;

4. The Order on this Stipulation shall be entered *nunc pro tunc* effective March 30, 2017; and

5. Except as expressly provided herein all other terms and conditions of the Settlement Agreement and attachments as approved by the Court on March 30, 2017 shall remain the same.

AGREED TO AND ACCEPTED.

Date: March 30, 2017

s/Douglas M. Werman
Werman Salas, P.C.
77 West Washington St., Ste. 1402
Chicago, Illinois 60602
Telephone: 312-419-1008
One of Named Plaintiff's Attorneys

s/Karl G. Nelson (with consent)
GIBSON, DUNN & CRUTCHER
2100 McKinney Avenue, St. 1100
Dallas, TX 75201-6912
Telephone: 214-698-3100
Attorneys for Defendant

ORDER

Good cause appearing therefore, the Response Deadline is enlarged from thirty (30) to sixty (60) days based on the stipulation of the Parties, and this Order shall be entered *nunc pro tunc* effective March 30, 2017.

Date: April 3, 2017

/s/
Joan B. Gottschall
United States District Judge